

**Instructions for FCC Form 304A
Certification of Completion of Construction
for a Multipoint Distribution Service Station
(FCC Form 304A attached)**

GENERAL INSTRUCTIONS

Introduction

This FCC Form is to be used to certify that construction of a Multipoint Distribution Service (MDS), Multichannel Multipoint Distribution Service (MMDS), or MDS/MMDS signal booster station has been completed as authorized and that the station is now operational pursuant to 47 C.F.R. Section 21.43. Hereinafter, "MDS" will refer to single channel Multipoint Distribution Service and Multichannel Multipoint Distribution Service applications and authorizations, collectively.

For Assistance

For assistance with FCC Form 304A, contact the MDS Section of the Mass Media Bureau at the FCC, Washington, DC 20554, telephone number (202) 418-7060.

Applicable Rules and Regulations

Before this form is prepared, the licensee should review the relevant portions of Parts 0, 1, 17 and 21 of the FCC rules in Title 47 of the Code of Federal Regulations (C.F.R.). Copies of Title 47 may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. You may telephone the GPO order desk at (202) 512-1800 for current prices. Licensees should make every effort to file complete and accurate forms in compliance with the rules. Replies to questions on this form and the licensee's statements constitute representations on which the FCC will rely in considering the certification of completion of construction. Thus, time and care should be devoted to all replies, which should reflect accurately the licensee's responsible consideration of the questions asked.

Electronic Filing

The Commission has authorized voluntary electronic filing for MDS applications. The specific details concerning the method for electronically filing MDS applications, including an electronic counterpart to this paper form, will be provided through subsequent Commission public notices.

Paper Copies

All entries on this form shall be typed or legibly printed in ink. A separate FCC Form 304A must be submitted for each MDS station and for each conditional license being covered as specified in 47 C.F.R. Sections 21.5 and 21.901. MDS stations must be constructed as authorized. An FCC Form 304 must be filed for modifications proposed pursuant to 47 C.F.R. Section 21.40 or 21.41. Certain modifications may be made without

prior authorization pursuant to 47 C.F.R. Section 21.42, which requires the separate filing of an FCC Form 304. Submit an original and one copy of the completed FCC Form 304A. SIGN ORIGINAL COPY ONLY.

Incorporation by Reference

Applicants may not incorporate by reference data, documents, exhibits, or other showings already on file with the FCC. All applicable items on this form must be answered without reference to a previous filing.

Current Information

Information filed with the FCC must be kept current. The licensee shall notify the FCC regarding any material change in the facts as they appear on the FCC Form 304A. See 47 C.F.R. Section 1.65.

INSTRUCTIONS FOR SPECIFIC ITEMS ON FORM

Question 1. The legal name of the licensee should be the same as reported on FCC Form 430, "Licensee Qualification Report." The name should also be the same as shown on any application for a related station license or service authorization for a Basic Trading Area (BTA) or partitioned service area (PSA). The address listed may vary from that reported on FCC Form 430 if the address of the corporate officer, or other employee authorized to certify this FCC Form 304A, differs from that of the licensee's principal office. Licensees must provide a current and valid mailing address, and this address must not be the address of an equipment supplier, attorney, consultant or any third party. See 47 C.F.R. Section 1.5.

Question 2. Fee Information. By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, MDS licensees filing a certification of completion of construction for an MDS station are required to submit a fee with the filing of FCC Form 304A. However, governmental entities, which include any possession, state, city, county, town, village, municipal organization or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from the payment of this fee. To avail itself of a fee exemption, the licensee must indicate its eligibility by checking the appropriate box in Question 2. An FCC Form 304A which does NOT involve the payment of a fee may be hand-delivered or mailed to the FCC's Washington, DC

offices. See 47 C.F.R. Section 0.401(a).

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. An FCC Form 304A which requires the remittance of a fee must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC Form 304A should be mailed or otherwise delivered is also set forth in the "Mass Media Services Application Fee Filing Guide" (most recent edition), which is obtained either by writing to the Commission's Form Distribution Center, 9300 E. Hampton Drive, Capital Heights, Maryland 20431, or by calling Telephone Number 1 (800) 418-FORM and leaving your request on the answering machine provided for this purpose. See also 47 C.F.R. Section 1.1104.

A separate fee payment must be submitted for each FCC Form 304A filed. The amount of the fee is based on the number of channels authorized for one MDS station. If this form is intended to cover more than one channel for one MDS station, a single payment covering the total required fee, which is calculated on the basis of the number of channels that are the subject of this form, can be made.

Payment of any required fee must be made by check, bank draft, money order or credit card. If paying by check or bank draft, make checks payable to the Federal Communications Commission, denominated in U.S. dollars, and drawn upon a U.S. financial institution. No postdated, altered or third-party checks will be accepted. DO NOT SEND CASH. Checks dated six months or older will not be acceptable for filing. Licensees who wish to pay by money order or credit card, must submit FCC Form 159 together with their FCC Form 304A. Payment of fees may also be made by electronic payment, provided prior approval has been obtained from the Commission. Licensees interested in this option must first contact the Credit and Debt Management Center at (202) 418-1995 to make the necessary arrangements.

Parties hand-delivering FCC Forms 304A may receive a dated receipt copy by presenting one copy of the form to the acceptance clerk at the time of delivery. For mailed-in forms, a "return copy" of the form will be furnished provided the licensee clearly identifies the "return copy" and attaches it to a stamped, self-addressed envelope. Only one piece of paper per form will be stamped for receipt purposes.

LICENSE AND STATION LOCATION INFORMATION

Question 3. A separate FCC Form 304A must be submitted for each MDS conditional license being covered. For this question, provide the channel(s) or channel group for which the FCC Form 304A is intended to cover.

Question 4. Provide the file number of the conditional license application this FCC Form 304A is intended to cover, and the date the conditional license was granted by the Commission.

Question 5. Indicate the date construction was completed and the date service to the public is to commence.

Question 6-8. Identify the antenna site by city or town, state and county. The answer to this question must reflect exactly information provided on the FCC Form 304.

Question 9. Specify the geographic coordinates of the location of the transmitting antenna site (NAD27 datum).

Question 10. MDS licensees must operate transmitters that are "type-accepted" by the Commission for use in this service.

Question 11. **Contact Representative.** This item identifies the contact representative (usually the headquarters office of a large licensee, the law firm or other representative of the licensee, or the person or company that prepared or submitted the filing on behalf of the licensee). In the event there is a question concerning the filing, the FCC will attempt to communicate with the contact representative first.

CERTIFICATIONS

Question 12. The engineering certification must be signed by the technically qualified person responsible for preparation of the engineering information.

Question 13. Certification on behalf of the licensee must be made personally by the individual licensee, a partner (if the licensee is a partnership), a corporate officer or duly authorized employee (if the licensee is a corporation and that employee has been specifically authorized to act for and on behalf of the licensee), or officer/member (if the licensee is an unincorporated association).

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information provided in the application to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of a statute, regulation, rule or order, your application may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC or (b) any employee of the FCC; or (c) the United States Government is a party to a proceeding before the body or has an interest in the proceeding. In addition, all information provided in this form will be available for public inspection.

If you owe a past due debt to the federal government, any information you provide may also be disclosed to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you do not provide the information requested on this form, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authorization.

We have estimated that each response to this collection of information will average 30 minutes. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERF, Paperwork Reduction Project (3060-0664), Washington, DC 20554. We will also accept your comments via the Internet if you send them to jboley@fcc.gov. Please DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0664.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. Section 3507.

FOR
FCC
USE
ONLY

FCC 304A

**CERTIFICATION OF COMPLETION OF
CONSTRUCTION FOR A
MULTIPOINT DISTRIBUTION SERVICE**

FOR COMMISSION USE ONLY

FILE NO.

GENERAL AND FEE INFORMATION

1. LEGAL NAME OF LICENSEE

MAILING STREET ADDRESS OR P.O. BOX

INTERNET ADDRESS

ATTENTION:

CITY

STATE OR COUNTRY (if foreign address)

ZIP CODE

TELEPHONE NUMBER (include area code)

CALL SIGN

OTHER FCC IDENTIFIER (If applicable)

2. Is a fee submitted with this application?

☐

Yes

☐

No

If Yes, complete and attach FCC Form 159.

If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112).

☐

Governmental Entity

☐

Noncommercial educational licensee

☐

Other (Please explain):

LICENSE AND STATION LOCATION INFORMATION

3. Channel(s): _____ or Channel Group: _____

4. a. Conditional License File No.

b. Date of Grant

5. a. Date Construction Completed

b. Date Service to Commence

6. City

7. State

8. County

9. Transmitting antenna site coordinates (check South Latitude or East Longitude boxes if applicable)

a. North Latitude
(DD-MM-SS)

or

☐

South Latitude

b. West Longitude
(DD-MM-SS)

or

☐

East Longitude

° ' "

° ' "

10. Is the transmitter "type-accepted"?

☐

Yes

☐

No

CONTACT REPRESENTATIVE

11. Name of Contact Representative (If other than applicant)		Telephone Number (include area code)	
Firm or Company Name			
Mailing Street Address or P.O. Box			
City		State	ZIP Code

CERTIFICATIONS**12. Certification of Person Responsible for Preparing Engineering Information Submitted in this Form.**

I certify that I am responsible for the preparation of the engineering information contained in this form, that I am familiar with 47 C.F.R. Part 21 and have either prepared or reviewed the engineering information submitted in this form, and that it is complete and accurate to the best of my knowledge.

Date	Type or Print Name of Person Certifying	Signature	
Firm or Company Name			
Mailing Street Address or P.O. Box			
City	State	ZIP Code	Telephone Number (include area code)

13. Certifications of Licensee

I am familiar with 47 C.F.R. Part 21 and have either prepared or reviewed the information submitted in this FCC Form 304A. The licensee waives any claim to the use of any particular frequency of the electromagnetic spectrum as against the regulatory power of the United States because of previous use of the same, whether by license or otherwise. All statements made in the attached exhibits are a material part hereof and are incorporated herein as if set out in full in this form. The undersigned, individually and for the licensee, hereby certifies that construction of the facilities as authorized has been completed, the station is now operational and ready to provide service to the public, and will remain operational during the license period, unless the license is submitted for cancellation, and that the statements made in this form are true, complete and correct to the best of the signer's knowledge and belief, and are made in good faith.

By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits (including FCC benefits) pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). Failure to check "Yes" may cause dismissal of your FCC Form 304A or automatic forfeiture of your station authorization.

☐ Yes ☐ No

Date	Licensee (Must correspond with that shown on Page 1)
Signature	Type or Print Name of Person Signing
	Title (Position Held by Person Signing)

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION AUTHORIZATION (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).